

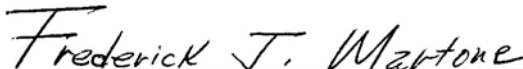
1 or specified proposed findings or recommendations to which objection is made." 28 U.S.C.
2 § 636(b)(1). We must "review the magistrate judge's findings and recommendations de novo
3 *if objection is made*, but not otherwise." United States v. Reyna-Tapia, 328 F.3d 1114, 1121
4 (9th Cir. 2003). Since no objections have been made, we accept in whole the
5 recommendations made by the magistrate judge.

6 Rule 11(a), Rules Governing Section 2254 Cases, requires that in habeas cases the
7 "district court must issue or deny a certificate of appealability when it enters a final order
8 adverse to the applicant." If a habeas petition is denied on procedural grounds without
9 reaching the merits, a certificate of appealability "should issue when the prisoner shows, at
10 least, that jurists of reason would find it debatable whether the petition states a valid claim
11 of the denial of a constitutional right and that jurists of reason would find it debatable
12 whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S.
13 473, 484, 120 S. Ct. 1595, 1604 (2000). The magistrate judge found, and we agree, that
14 jurists of reason would not find the correctness of our procedural ruling debatable.

15 **IT IS ORDERED** accepting the Report and Recommendation of the magistrate judge
16 (doc. 13) and **DENYING** the petition under 28 U.S.C. § 2254 for a writ of habeas corpus
17 (doc. 1).

18 **IT IS FURTHER ORDERED DENYING** a certificate of appealability.

19 DATED this 11th day of April, 2012.

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21 
22 Frederick J. Martone
23 United States District Judge
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